IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10077 of 2004

Between:
1 Mohd. Miraj S/o. Late Mohd. Iqbal,
(Caseettes shop), H.No. 8-15/13/3 Mohammadia Colony,
Vattapally, Falaknuma, Hyderabad.
2 Mohd. Siraj S/o. Late Mohd. Iqbal
R/o. 8-15/13/3 Mohammadia Colony, Vattapally, Falaknuma,
Hyderabad.

..... PETITIONERS

AND

1 State of A.P., through Secretary Home Department, Secretariat,
Hyderabad.
2 The S.H.O. Falakunuma, P.S., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a order, Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent NO.2 in detaining petitioners, taking their photographs, obtaining stamped agreement Dt. 08.06.2004 forcibly on name of respondent no.2 from the petitioners as if they promised to pay Rs. 20000/- (Twenty thousands) each to him, threatening to foist criminal cases against the petitioners and close down their businesses if they do not pay the amount as illegal, arbitrary, and violative of the fundamental right to freedom and consequently hold the petitioners not liable for the bill amount of mobile 040-32350319.

For the Petitioner:MR.VENUGOPALA RAO PASNOORU, Advocate

For the Respondent No.: GP FOR HOME

The Court made the following ORDER:

This writ petition is filed by the petitioners alleging that the respondents are harassing the petitioners by detaining them and also taking their photographs as well as obtaining stamped agreement dated 08.06.2004 stating that the petitioners will pay Rs.20,000/- each, at the threat of foisting criminal cases.

2. According to the petitioners, at the instance of the Executive of the Reliance Company, the respondents have resorted to the above-alleged actions, though the petitioners, who are brothers, are running a Cassettes shop and STD Booth at Vattapally, Falaknuma, Hyderabad.

3. This Court while entertaining the writ petition ordered notice to the respondents.

4. The respondents filed a counter-affidavit disputing and denying the allegations made by the petitioners and in fact stated that the Reliance Infocomm, Hyderabad submitted a complaint against the petitioners with reference to the unauthorized business of their mobile phones. The respondents have referred the said dispute as of civil nature and refused to entertain the said complaint. Apprehending that the respondents may take action against the petitioners, the petitioners have come up with the present writ petition.

5. Heard both sides and considered the material on record.

6. In view of the denial of the allegations made by the petitioners, no case has been made out against the respondents for giving directions as sought for by the petitioners. Hence, the writ petition is dismissed recording the above stand of the respondents. No costs.

29.06.2004
va

To
1 The Secretary, State of A.P., Home Department, Secretariat, Hyderabad.
2 The S.H.O. Falakunuma, P.S., Hyderabad.
3 Two CCs to G.P. for Home, High Court of A.P. Buildings, Hyderabad (OUT)
4 Two CD Copies.